

POSTED: September 13, 2016
4:00 PM
Donna Nickerson
REVISED: September 14, 2016
2:00 PM
Donna Nickerson
REVISED: September 15, 2016
2:00 PM
Natalie White
REVISED: September 16, 2016
2:00 PM
Natalie White

BEFORE THE PUBLIC SERVICE COMMISSION

AGENDA

September 20, 2016

***THIS MEETING WILL NOT BE CONDUCTED BY VIDEOCONFERENCE.
THIS MEETING WILL BE VIDEO STREAMED LIVE AT 1:00 PM.***

I. Call Meeting to Order - **1:00 PM**, Dover

II. **Reading of the Meeting Minutes**

- September 6, 2016 - [Public Session](#)
- September 6, 2016 - Executive Session

III. **CONSENT AGENDA:**

- **1.** IN THE MATTER OF THE ADOPTION OF RULES AND REGULATIONS TO IMPLEMENT THE PROVISIONS OF 26 *DEL. C. CH. 10* RELATING TO THE CREATION OF A COMPETITIVE MARKET FOR RETAIL ELECTRIC SUPPLY SERVICE (OPENED APRIL 27, 1999; RE-OPENED JANUARY 7, 2003; RE-OPENED SEPTEMBER 22, 2009; RE-OPENED SEPTEMBER 7, 2010; RE-OPENED JULY 17, 2012)- PSC REGULATION DOCKET NO. 49
-

Commission to consider:

- [Proposed Order No. 8944](#) granting Pro Hac Vice admission to Brian R. Greene, Esquire.

2. IN THE MATTER OF THE COMMISSION'S REVIEW OF DELMARVA POWER'S RETAIL ELECTRICITY PRICING AND POTENTIAL LONG-TERM APPROACHES TO SECURE LOWER PRICED ENERGY (OPENED AUGUST 19, 2014) - PSC DOCKET NO. 14-0283
-

Commission to consider:

- [Proposed Order No. 8939](#) granting Pro Hac Vice admission to Brian R. Greene, Esquire.
- [Proposed Order No. 8940](#) granting Pro Hac Vice admission to Holly Rachel Smith, Esquire.

3. IN THE MATTER OF THE PETITION OF DIRECT ENERGY SERVICES, LLC TO REQUEST THE PUBLIC SERVICE COMMISSION TO ISSUE, ON AN EXPEDITED BASIS, AN ORDER DIRECTING DELMARVA POWER & LIGHT COMPANY TO DISTRIBUTE AN EDUCATIONAL BILL INSERT REGARDING THE OPTIONS AVAILABLE UNDER THE CONTRACT AWARDED BY THE STATE OF DELAWARE (FILED JUNE 30, 2016) - PSC DOCKET NO. 16-0744
-

Commission to consider:

- [Proposed Order No. 8938](#) granting Pro Hac Vice admission to Brian R. Greene, Esquire.

4. IN THE MATTER OF THE APPLICATION OF DELMARVA POWER & LIGHT COMPANY FOR APPROVAL OF QUALIFIED FUEL CELL PROVIDER PROJECT TARIFFS (FILED AUGUST 30, 2016) - PSC DOCKET NO. 16-0895
-

Commission to consider:

- Application (PREVIOUSLY SENT)
- [Staff Memorandum](#)
- [Proposed Order No. 8941](#) which would approve Delmarva Power & Light Company's QFCP-RC Compliance filing for the October 2016 rate.

5. IN THE MATTER OF THE JOINT APPLICATION FOR THE APPROVAL FOR TRANSFER OF CONTROL OF GRASSHOPPER GROUP, LLC PURSUANT TO 26 DEL. C. §215 (FILED AUGUST 29, 2016) - PSC DOCKET NO. 16-0899
-

Commission to Consider:

- Application (PREVIOUSLY SENT)
- [Staff Memorandum](#)

**** THIS ITEM MUST BE ADDED TO THE AGENDA AS THE PRO HACE VICE WAS RECEIVED AFTER THE INITIAL POSTING DATE.**

IV. REGULAR AGENDA:

1. IN THE MATTER OF THE ADOPTION OF RULES AND REGULATIONS TO IMPLEMENT THE PROVISIONS OF 26 DEL. C. CH. 10 RELATING TO THE CREATION OF A COMPETITIVE MARKET FOR RETAIL ELECTRIC SUPPLY SERVICE (OPENED APRIL 27, 1999; RE-OPENED JANUARY 7, 2003; RE-OPENED SEPTEMBER 22, 2009; RE-OPENED SEPTEMBER 7, 2010; RE-OPENED JULY 17, 2012)- PSC REGULATION DOCKET NO. 49
-

Commission to consider:

- [Proposed Order No. 8937](#) memorializing Commission's decision at its September 6, 2016 meeting. **(WILL BE SENT AT A LATER DATE)**

2. IN THE MATTER OF THE APPLICATION OF DELMARVA POWER & LIGHT COMPANY FOR APPROVAL OF MODIFICATIONS TO ITS GAS COST RATES (FILED AUGUST 26, 2016) – PSC DOCKET NO. 16-0889
-

Commission to consider:

- Application (PREVIOUSLY SENT)
- [Proposed Order No. 8942](#) which would open the docket and issue a form of public notice to address Delmarva Power & Light Company's application for a change in its Gas Cost Rates ("GCR").

3. IN THE MATTER OF THE APPLICATION OF CHESAPEAKE UTILITIES CORPORATION FOR APPROVAL OF A CHANGE IN ITS GAS SALES SERVICE RATES ("GSR") TO BE EFFECTIVE NOVEMBER 1, 2016 (FILED SEPTEMBER 1, 2016) – PSC DOCKET NO. 16-0908
-

Commission to consider:

- Application (PREVIOUSLY SENT)
- [Proposed Order No. 8943](#) which would open the docket and issue a form of public notice to address Chesapeake Utilities Corporation's application for a change in its Gas Sales Rates ("GSR").

4. IN THE MATTER OF THE PETITION OF DIRECT ENERGY SERVICES, LLC TO REQUEST THE PUBLIC SERVICE COMMISSION TO ISSUE, ON AN EXPEDITED BASIS, AN ORDER DIRECTING DELMARVA POWER & LIGHT COMPANY TO DISTRIBUTE AN EDUCATIONAL BILL INSERT REGARDING THE OPTIONS AVAILABLE UNDER THE CONTRACT AWARDED BY THE STATE OF DELAWARE (FILED JUNE 30, 2016) – PSC DOCKET NO. 16-0744
-

Commission to consider:

- [Delmarva Power & Light's Emergency Petition.](#)
 - [Division of the Public Advocate Support for Delmarva Power & Light's Emergency Petition.](#)
 - [Direct Energy's Response](#) to Delmarva Power & Light Company's Emergency Motion and Delaware Division of the Public Advocate's Support of Delmarva's Motion.
- *** [Staff Memorandum](#)

****THE STAFF MEMORANDUM WAS A LATE ADDITION, NOT AVAILABLE AT THE TIME OF ORIGINAL POSTING.**

V. HEARING SCHEDULE:

1. IN THE MATTER OF THE PETITION OF DIRECT ENERGY SERVICES, LLC TO REQUEST THE PUBLIC SERVICE COMMISSION TO ISSUE, ON AN EXPEDITED BASIS, AN ORDER DIRECTING DELMARVA POWER & LIGHT COMPANY TO DISTRIBUTE AN EDUCATIONAL BILL INSERT REGARDING THE OPTIONS AVAILABLE UNDER THE CONTRACT AWARDED BY THE STATE OF DELAWARE (FILED JUNE 30, 2016) - PSC DOCKET NO. 16-0744
-

Commission to consider:

- Direct Energy Services, LLC'S Petition. (PREVIOUSLY SENT)
- Additional documents as submitted.
 - [Response of Delmarva Power & Light Company](#) In Opposition to the Petition of Direct Energy Services, LLC
 - [Comments of The Retail Energy Supply Association](#) ("RESA")
 - [Comments of Direct Energy Services, LLC](#)
 - [Comments of American Coalition of Competitive Energy Suppliers](#) ("ACCES")
 - [Comments of the Delaware Division of the Public Advocate](#)
 - **➤ [Staff Memorandum and Draft Order](#)

**** THE STAFF MEMORANDUM AND DRAFT ORDER ARE A LATE ADDITION, NOT AVAILABLE AT THE TIME OF ORIGINAL POSTING.**

NOTE TO PARTIES: CHAIRMAN WINSLOW HAS DETERMINED THAT NO TESTIMONY OR WITNESS PRESENTATION WILL BE MADE AT THIS TIME AND THE COMMISSION WILL ONLY HEAR LEGAL POSITIONS WITH RESPECT TO THE DIRECT ENERGY PETITION.

2. IN THE MATTER OF THE APPLICATION OF DELMARVA POWER & LIGHT COMPANY, EXELON CORPORATION, PEPCO HOLDINGS, INC., PURPLE ACQUISITION CORPORATION, EXELON ENERGY DELIVERY COMPANY, LLC AND NEW SPECIAL PURPOSE ENTITY FOR APPROVALS UNDER THE PROVISIONS OF 26 *DEL. C.* §§ 215 AND 1016 (FILED JUNE 18, 2014)
- PSC DOCKET NO. 14-193
-

Commission to consider:

- [Final Proposals of the Parties](#) to the Allocation of Additional Benefits pursuant to Most Favored Nation Clause:
 - Joint Applicants (including a Matrix of its description of all parties' positions)
 - Commission Staff
 - Public Advocate
 - Department of Natural Resources & Environmental Control ("DNREC")
 - Professor Jeremy Firestone
 - Mid-Atlantic Renewable Energy Coalition ("MAREC")

VI. PUBLIC COMMENT:

VII. DIRECTOR'S COMMENTS:

Administrative Matters:

- Commission Meeting, Thursday, October 6, 2016.

N O T I C E

Pursuant to 29 Del. C. §10004(e) (2), this Agenda may be changed to include additional items including executive sessions or to delete items that arise at the time of the Commission meeting.

Commission Staff or other parties may provide the Commission with Proposed Orders to help expedite the administrative process; however, the Commission will consider each Agenda item independently, determine any appropriate actions and may approve, revise or reject any Proposed Orders consistent with the Commission's determination.

During the Meeting, an executive session closed to the public may be called for certain purposes, including, but not limited to, strategy sessions to discuss pending or potential litigation, discussions of confidential documents, and certain personnel matters.

Items marked with an "***" were added following the initial Agenda posting. An explanation for their addition to the Agenda is included following the description of the particular item.

Interested persons should contact the Commission at 1-800-282-8574 (within Delaware) for information or questions about the Agenda. The Agenda may also be viewed, after posting, at the Commission's Internet website found at dep.sc.delaware.gov.